

Nov 23 2020

**UNITED STATES DISTRICT COURT**for the  
Northern District of CaliforniaSUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

United States of America

v.

CRISTIAN ALVARADO

Case No. 3-20-mj-71717 MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1, 2020 in the county of Santa Clara in the  
Northern District of California, the defendant(s) violated:*Code Section*21 U.S.C. § 841(a)(1) and (b)(1)(A)  
(viii)*Offense Description*Possession of 500g or more of a mixture/substance with methamphetamine  
with intent to distribute

## Maximum Penalties:

10 years up to life in prison; \$10 million fine; supervised release of not less  
than 5 years up to lifetime supervised release; and a \$100 special  
assessment.

This criminal complaint is based on these facts:

See attached affidavit of DEA Special Agent Kevin Li incorporated by reference

☒ Continued on the attached sheet.Approved as to form: /s/ Daniel Pastor  
AUSA Pastor

Sworn to before me by telephone.

Date: 11/20/2020City and state: San Francisco, CA

/s/

*Complainant's signature*

Kevin Li, DEA Special Agent

*Printed name and title**Judge's signature*

Hon. Jacqueline Scott Corley, US Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR COMPLAINT**

I, Kevin Li, a Special Agent with the Drug Enforcement Administration (DEA), being duly sworn, state:

**INTRODUCTION**

1. I make this affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant authorizing the arrest of Cristian Alvarado (hereafter referred to as “Alvarado”) for violating 21 U.S.C. §§841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute).

**SOURCES OF INFORMATION**

2. This affidavit is submitted for the limited purpose of a securing a criminal complaint and arrest warrant. I have not included every fact known to me concerning this investigation. Instead, I have set forth only the facts necessary to establish probable cause that violations of the federal laws identified above have occurred. In addition, not every individual who could be charged based on the underlying facts is being charged in this complaint. Those persons who are not being charged at this point are identified by labels other than their true names.

3. I am familiar with the facts set forth in this Affidavit from my personal observations and inquiries, observations and investigations by other law enforcement officers and/or analysts as related to me in conversation and/or through written reports, and/or from records and/or documents and/or other evidence obtained as a result of this and related investigations. I have also obtained such information from records, documents, and other evidence obtained in this investigation. Unless otherwise indicated herein, I believe the information provided to me by others is reliable. In those instances, wherein I assert an opinion or belief with respect to the facts alleged herein, that opinion or belief is based upon my training and experience as set forth previously herein, along with my knowledge of this investigation and any other specific factors I offer in connection with a particular assertion.

**AFFIANT BACKGROUND**

4. I am a Special Agent with the United States Department of Justice, Drug Enforcement Administration (“DEA”), and have been so employed since March 2016. I am currently assigned to the San Francisco Division at the San Jose Resident Office in California. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

5. I have successfully completed a nineteen-week DEA Basic Agent Training Academy at the DEA Academy in Quantico, Virginia. This training included instruction in the investigation of federal drug violations, including, but not limited to Title 21, United States Code Sections 841 and 846. Additionally, this training included several hundred hours of comprehensive, formalized instruction in, but not limited to, narcotics investigations, drug identification, detection, interdiction, financial investigations and money laundering, identification and seizure of drug related assets, undercover operations, and electronic and physical surveillance procedures.

6. During the course of my employment, I have participated in several narcotics and financial investigations. I have debriefed defendants, confidential sources, and witnesses who had personal knowledge regarding narcotics trafficking organizations. In addition, I have discussed with numerous law enforcement officers, and confidential sources, the methods and practices used by narcotics traffickers. I also have participated in many aspects of drug and financial investigations including, but not limited to, undercover operations, telephone toll analysis, records research, and physical and electronic surveillance. Moreover, I have assisted

on the execution of several federal and state search and arrest warrants that resulted in the arrest of suspects and seizure of narcotics and assets.

7. I have conducted and been involved in numerous narcotics, firearms, and financial investigations regarding the unlawful manufacture, possession, distribution, and transportation of controlled substances, as well as related money laundering statutes involving the proceeds of specified unlawful activities and conspiracies associated with criminal narcotics, in violation of Title 21, United States Code, Sections 841(a)(1), 841(c)(2), 843, and 846 and the State of California Health and Safety Code. I have also participated in several investigations involving violations of Title 18, United State Code, Section 924(c), the possession or use of firearms in furtherance of drug trafficking offenses. I am familiar with the methods by which drug traffickers resort to violence and firearms to facilitate drug trafficking and provide security for their operations.

8. I have participated in several Organized Crime Drug Enforcement Task Force (OCDETF) investigations. The OCDETF program is part of the United States Attorney General's strategy to reduce the availability of drugs by disrupting major trafficking organizations through joint collaborations across agencies. I have monitored, supervised, conducted surveillance, or otherwise participated in numerous investigations that utilized electronic and/or wire interceptions. I have participated in writing, editing, and reviewing federal affidavits made in support of wire and electronic interceptions. Also, I have become familiar with narcotics traffickers' methods of operation, including, but not limited to, the manufacturing, distribution, storage, and transportation of narcotics, and the methods used by drug traffickers to collect, transport, safeguard, remit, and/or launder drug proceeds.

9. I have been the affiant on at least six Federal wiretaps and have spent several hours listening to Spanish language calls and interpreting coded communications from Spanish language calls that have been translated into English. By virtue of my experience with these coded conversations, I have become familiar with terms in the Spanish language that Mexican drug traffickers often use to refer to narcotics products, packaging, and methods of concealment.

10. Through my training, education, experience, and my conversations with other agents and officers who conduct drug investigations, I have become familiar with narcotics traffickers' use of mobile telephones, and their use of numerical codes and code words to conduct their business. Also, I have become familiar with narcotics traffickers' methods of operation, including, but not limited to, the manufacturing, distribution, storage, and transportation of narcotics, and the methods used by drug traffickers to collect, transport, safeguard, remit, and/or launder drug proceeds.

### **APPLICABLE STATUTES**

11. Pursuant to Title 21, United States Code, Section 841(a)(1), it is unlawful for any person knowingly and intentionally to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

### **FACTS SUPPORTING PROBABLE CAUSE**

#### **Overview of Investigation**

12. The Drug Enforcement Administration (DEA), partnered with other agencies, has been investigating a Bay Area methamphetamine trafficker named Cristian Alvarado (hereafter "Alvarado") and persons he works with (among others), using court-authorized federal wiretaps and physical and electronic surveillance. This investigation includes Alvarado's association with

a Mexico-based drug trafficking organization (DTO) and specifically the user of a Mexico-based number, a methamphetamine source of supply (“the source”).

13. In June 2020, the DEA first learned of the Mexico based DTO through a court authorized wiretap of one of the source’s customers, Customer-1. The DEA learned through intercepted phone calls that on or about June 30, 2020, Customer-1 was seeking to purchase approximately 14 units of methamphetamine through the source. As a result, Cristian Alvarado (hereafter “Alvarado”) was dispatched to deliver the methamphetamine to Customer-1.

14. On or about July 1, 2020, the DEA intercepted further conversations suggesting Customer-1 was seeking to purchase another six units of methamphetamine. Agents intercepted telephone communications between Alvarado and Customer-1 later that day suggesting the transaction was imminent. While Alvarado was on his way to meet with Customer-1, he was traffic stopped and arrested by the Santa Clara County Sherriff’s office and found to be in possession of approximately 5,368 grams of methamphetamine. Agents later executed search warrants at two locations visited by Alvarado prior to the attempted transaction and recovered another approximately 20,290 grams of methamphetamine and a loaded firearm.

**Surveillance of Alvarado’s delivery of drugs on June 30, 2020, followed by surveillance of an attempted second delivery by Alvarado on July 1, 2020, and the seizure of methamphetamine from Alvarado**

15. On June 30, 2020, the DEA began to intercept communications between Customer-1 and the user of a Mexico-based number, a methamphetamine source of supply (“the source”). During the call, Customer-1 asked the source in summary and substance if the source could supply him with “14”. The source and Customer-1 agreed to a deal and agreed to “meet” in San Jose, California later that day.

16. Following the call with the source, Customer-1 later received an incoming call from the telephone number (408) 390-9604 used by Alvarado. During that call, Alvarado, asked where Customer-1 was, and agreed to meet with Customer-1 at a Billiards hall near Alum Rock and Capitol in San Jose.

17. Agents established surveillance in the vicinity of Bryan's Billiards located at 2638 Alum Rock Avenue, San Jose, California, and located Customer-1's vehicle parked in front of the Billiards hall. Approximately 30 minutes after the intercepted call, agents saw a black pickup truck with California license plate "50906K2", registered to Cristian Alvarado at 1521 W. Hedding St, San Jose, California, arrive at the billiards hall. At that time, agents saw Customer-1 meet with Alvarado and bring a large duffel bag to the truck. While there, Customer-1 appeared to load up the duffel bag, before he brought the now loaded bag back to his own vehicle. The duffel bag appeared markedly heavier than before it was brought to the truck.

18. Following the meeting between Alvarado and Customer-1, the DEA intercepted further communications between the source and Customer-1 during which Customer-1 told the source in summary and substance that he had met with the guy (Alvarado) already, and everything looked "very pretty."

19. Based on the totality of the circumstances and the content of the calls, I believe that the source traffics methamphetamine into the United States and that Alvarado works for the source. In that capacity, Alvarado made a delivery of approximately 14 units (suspected to be pounds) of methamphetamine to Customer-1 outside Bryan's Billiards in San Jose, California.

20. On July 1, 2020, the DEA intercepted further communications between Alvarado and Customer-1, during which Customer-1 told Alvarado that he wanted "3 doubles." The two

agreed to meet later that day at the Valley Fair Mall. Based on my training and experience, I believe the term “3 doubles” refers to 6 units of drug product.

21. Later that day, agents conducted surveillance outside of 1521 W. Hedding Street, San Jose, California, and observed Alvarado leave carrying a large suitcase to the truck. Agents continued to follow the truck and observed it stop at the Quality Inn and Suites at 2930 El Camino Real, Santa Clara, CA. Agents temporarily lost sight of Alvarado, but were able to observe Alvarado knock on the door of a room and enter room 265 at the Quality Inn and Suites. Agents observed Alvarado carrying a white plastic bag, which he appeared to have retrieved from the room, back to his truck.

22. Alvarado’s truck was subsequently traffic stopped by a Santa Clara County Sheriff’s Deputy after it left the Motel. A search of the vehicle yielded several Ziploc baggies of a white crystalline substance suspected to be methamphetamine, contained within a white plastic bag matching the description of the bag retrieved from the Motel.

23. The seized crystalline substance was later tested by a DEA forensic lab and tested positive for the presence of methamphetamine. It was found to have a net weight of approximately 5,368 grams.

24. During the traffic stop of Alvarado’s truck, no suitcases were found within Alvarado’s vehicle. However, a white Samsung Galaxy S10+ phone with assigned telephone number (408) 390-9604 was found in Alvarado’s possession.

25. Following the traffic stop, agents executed California State search warrants at 1521 W. Hedding Street address as well as on room 265 of the Quality Inn and Suites. During the search of the motel room, agents found several additional baggies of methamphetamine.



26. The seized methamphetamine was later tested by a DEA forensic laboratory and tested positive for the presence of methamphetamine with a net weight of approximately 14,905 grams.

27. During the search of 1521 W. Hedding Street, agents searched Alvarado's locked bedroom and found additional baggies of methamphetamine and a loaded .45-caliber 1911-style pistol in a drawer approximately 6 feet away from the methamphetamine. The seized methamphetamine from 1521 W. Hedding Street was later tested by a DEA forensic laboratory and tested positive for the presence of methamphetamine. It had a net weight of approximately 5,385 grams.

28. I am aware based on my training and experience that drug traffickers typically keep firearms in the vicinity of stored drug product and at "stash locations" as a means for protection in the case of a robbery from rival drug traffickers or law enforcement intervention. I am aware that during the June 2020 time period, the price of methamphetamine had risen dramatically, and the approximately 5,000 grams of methamphetamine recovered in Alvarado's bedroom had an estimated street value ranging from approximately \$35,000 to \$40,000.

29. Based on the proximity of the loaded firearm to the stashed methamphetamine, I believe that the recovered firearm in Alvarado's bedroom was possessed for the purpose of protecting himself and his stashed methamphetamine, and was possessed in furtherance of his drug trafficking.

#### **Analysis of Seized Alvarado Telephone**

30. On August 11, 2020, the Honorable Alex G. Tse, United States Magistrate Judge for the Northern District of California, authorized the search of the contents of the Samsung Galaxy S10+ seized from Alvarado.

31. Analysis of saved WhatsApp messages and the contact log between Alvarado and the phone number used by the source, indicated that Alvarado was being directed by the source to make a series of drug related deliveries to customers. Based on saved messages, it appears that Alvarado received a series of messages and voice calls from the source. In some of these messages, Alvarado received several different phone numbers for individuals whom the source directed Alvarado to contact including the number for Customer-1. These messages led to the observed drug deals previously described above with Customer-1.

32. One such communication for example, occurred on June 30, 2020, at approximately 5:06 p.m., when the source sent Alvarado the phone number 707-272-8997. At approximately 10:14 p.m., Alvarado responded to the source: “7072728997 Le di 3” [translated from Spanish to English: “I gave him 3”].

33. Based on my knowledge of the investigation and previously intercepted wiretap calls between Customer-1, Alvarado, and the source, I am aware that Alvarado was dispatched to deliver methamphetamine to Customer-1. I believe based on the context and the similarity in circumstances between the delivery to Customer-1 and the delivery with the user of the phone number 707-272-8997, the user of phone number 707-272-8997 was likely another one of the source’s customers, who was likely given 3 units of drug product based on Alvarado’s message to the source.

34. Another such customer was the user of the phone number 510-298-9950. Analysis of contact logs for Alvarado’s phone indicated that on July 1, 2020, Alvarado received the phone number 510-298-9950 from the source at approximately 12:06 p.m. The source also sent the following message to Alvarado: “Los dos costalitlos que quedan sueltos” [translated from Spanish to English: “the two little bags that are loose”].

35. Call records show that Alvarado subsequently made an outgoing call to 510-298-9950 and then sent the following text message to the same number: "3057 Stevens Creek Blvd, Santa Clara, CA". Records show that Alvarado received an incoming call from 510-298-9950 at approximately 12:53 p.m.

36. Prior to Alvarado sending the text message to 510-298-9950 advising of a meeting location at Stevens Creek Boulevard, Alvarado had entered the search term "Valley Fair Chase" in his phone. 3057 Stevens Creek Boulevard appears to be the address for a Chase Bank near the Santa Clara Valley Fair Mall.

37. Agents conducting surveillance of Alvarado on July 1, 2020, observed that at approximately 12:54 p.m., Alvarado met with an individual (Customer-2) in the vicinity of 3057 Stevens Creek Boulevard, Santa Clara, at the Safeway located at 2855 Stevens Creek Boulevard. Agents observed Alvarado place a small bag into the trunk of Customer-2's vehicle before Customer-2 departed from the Safeway parking lot approximately 3 minutes later.

38. Based on my training and experience, I believe that Alvarado likely made a drug related delivery (2 units of product) to Customer-2 based on the brevity of their meeting as well as the circumstances leading up to the observed meeting.

### **CONCLUSION**

39. On the basis of my participation in this investigation and the information summarized above there is probable cause to believe that the defendant has violated 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) (possession of methamphetamine with the intent to distribute). Therefore, I request that the Court issue a criminal complaint charging the defendant with this violation and issue a warrant for the defendant's arrest.

40. Because this investigation is continuing, disclosure of the complaint, my affidavit, this application, and the attachments thereto would jeopardize the progress of the investigation

and potentially endanger the agents and confidential sources working on the investigation. It may also cause the defendant to flee and/or destroy evidence. Accordingly, I request that the Court seal the application, this affidavit, the complaint and supporting papers, except that the Clerk of the Court be directed to provide copies of these documents to the United States Attorney's Office and/or the Drug Enforcement Administration for use in connection with this case.


I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

/s/

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KEVIN Y. LI  
Special Agent  
Drug Enforcement Administration

*Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P 4.1 and 4(d) on this <sup>20th</sup> day of November, 2020.*



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HON. JACQUELINE SCOTT CORLEY  
United States Magistrate Judge